

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Leo McClam,)	C/A No.: 3:15-362-TLW-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Dr. NFN Cross,)	
)	
Defendant.)	
)	

Leo McClam (“Plaintiff”), proceeding pro se and in forma pauperis, filed this action pursuant to 42 U.S.C. § 1983. This matter comes before the court on Plaintiff’s motion to amend the complaint [ECF No. 44], motion for jury trial [ECF No. 45], and motion to compel [ECF No. 48]. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(e) (D.S.C.), all pretrial proceedings have been referred to the undersigned.

I. Motion to Amend

Plaintiff seeks to amend his complaint to add defendants previously dismissed. By order dated April 6, 2015, the Honorable Terry L. Wooten, Chief United States District Judge, dismissed Officer Livingston, social worker Judy Dupree, Nurse Janice Thomas, Horry County Attorney Kia Wilson, and Sheriff Kenny Boone, from the lawsuit without prejudice and without issuance and service of process [ECF No. 34]. Dr. Cross (“Defendant”) is the only remaining defendant. Plaintiff has provided no indication that the reasons for dismissal of Livingston, Dupree, Thomas, Wilson, and Boone are no longer valid, and his motion to amend is therefore denied.

II. Motion for a Jury Trial

Plaintiff requests a jury trial for this case. [ECF No. 45] If Plaintiff's claims survive summary judgment, Plaintiff is entitled to a jury trial. However, to the extent Plaintiff seeks an immediate jury trial, his motion is denied as premature.

III. Motion to Compel


In his motion to compel, Plaintiff states that Defendant had not responded to his interrogatories within 30 days. [ECF No. 48]. Defendant's response attaches his answers to Plaintiff's interrogatories and a certificate of service indicating the answers have now been served. [ECF No. 49-1]. Plaintiff failed to file a reply. Therefore, Plaintiff's motion to compel is denied as moot.

IV. Conclusion

For the foregoing reasons, the undersigned denies Plaintiff's motion to amend the complaint [ECF No. 44], motion for an immediate jury trial [ECF No. 45], and motion to compel [ECF No. 48].

IT IS SO ORDERED.

August 20, 2015
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge